B. Essential Commodities

14 K.

File No. 48

Legal DEPARTMENT

B BRANCH

Subject:—

L.A. Bill No. XIV of 1948

A Bill to amend the Bombay Essential Commodities and Cattle Control) Act, 1946

Bombay Act No VII of 1948

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File No. B. Essential Commodities/48.

Stl. Sectt. Slip 24 B e.

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C O N T E N T S.

Legal Department File No. B Essential Commodities/48

Sr. No.	Compilation No. R.I.No. / A.N.O.	Subject	Pages.
		A Bill to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946	
1.	— 938 28-1-48	Draft Bill and remarks —	1-2
2.	— 2442 11-3-48	Seeking the assent of the Governor-	3-6
3.	2125 16-3-48 —	Forwarding an Authentic copy of the Act, —	7-8
4.	— 1453 10-2-48	Publication of the Bill —	9-18
5.	— 2762 19-3-48	Publication of the Act —	19-24
6.	— —	Debates —	25-28.

K.H.P.
23/5
S.C.

CVP 31/3

DKB 31/-

Office of the R.L.A.

A draft Bill amending the Bombay Essential Commodities and Cattle (Control) Act, 1946, for giving power to seize vehicles, vessels and animals carrying articles in contravention of orders is sent herewith. The subject-matter of the Bill falls under entries 27 and 29 of List II and entry 2 in List III in the Seventh Schedule to the Government of India Act, 1935. It is not necessary to reserve the Bill for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935.

2. It will not be feasible to make similar amendments in the Essential Supplies (Temporary Powers) Act, 1946. Section 3 of that Act gives the Central Government power to provide by notified order for various things. An amendment in this section by Provincial legislation with a view to providing for seizure etc. would amount to the Province giving the Central Government the power for that purpose. That would not be legally feasible as in the Constitution Act, there is no provision for the Province to empower the Central Government to do certain things. Contrast Section 124 of the Gogernment of India Act, 1935. In practice, it would be difficult to exercise the power to confiscate a vehicle or vessel which has not been seized so that a mere amendment of the penal section, namely, section 7 of the Essential Supplies (Temporary Powers) Act, 1946, would not achieve the object in view.

3. The Essential Supplies (Temporary Powers) Act 1946, has been enacted by the Central Legislature in virtue of the power given by section 2 of the Parliamentary Act, namely, the India (Central Government and Legislature) Act, 1946. In view of this position it will be more appropriate for the Central Government to undertake legislation in the direction desired. Th

Essential Supplies (Temporary Powers) Act is due to expire on 31st March 1948 unless the period is extended by action under section 4 of the Parliamentary Act referred to above. If the Act expires on 31st March 1948, the essential commodities defined in that Act can be included in the Bombay Essential Commodities and Cattle (Control) Act, 1946, and the provisions of the Act will then automatically apply to those commodities. If, however, the period of the Essential Supplies (Temporary Powers) Act is extended, the appropriate course would be to approach the Central Government and ask them to amend their Act as proposed.

Sd.

P.M.LAD 27/

O.C. Remembrancer of Legal Affairs

U.R. to C.S.D. No. 938, dated the 28th January 1946.

K.N.P
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No. 2442

Legal Department,

Bombay Castle, 11th March 1948.

From

P.M.Lad , Esquire, I.C.S.,
Secretary to the Government of Bombay,
Legal Department.

To

The Private Secretary to the Governor
of Bombay.

Subject :- A Bill to amend the Bombay Essential Commodities and Cattl (Control) Act, 1946.

Sir

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bill to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946, which was read for the third time and passed at the meetings of the Bombay Legislatice Assembly and the Bombay Legislative Councils held on the 21st February 1948 and on th 3rd March 1948, respectively.

2. The subject-matter of the Bill falls under entries 27 and 29 in List II and entry 2 in List III in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not contain any provision repugnant to the provisions of any existing law relating to a matter in the Concurrent Legislative List it is not necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

3. I also forward herewith one copy of

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	each of the items Nos. 1, 2 and 4 and two copies of item No. 3 of the - papers noted in the margin
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
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3. Bill as read for the third time and passed by the Bombay Legislative Council.	
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 21st February 1948 and of the Bombay Legislative Council dated the 3rd March 1948.	

The Bill was not referred to a Select Committee.

I have the honour to be.,

Sir,

Your most obedient servant,

Sd.-

P.M.Lad.

11/3

O.C. Secretary to the Government of Bombay,
Legal Department.

Through

The Secretary to the Government of Bombay,
Civil Supplies Department.

K.N.P.
23/3
4.C.

No. P.S.G.- 1294

Office of the Private Secretary to the Governor
Government House,

Bombay, 15 March 1948.

From

L.M. Nalkarni, Esquire, ICS.,
Private Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject: The Bombay Essential Commodities and Cattle (Control) (Amendment) Bill, 1948.

Sir,

With reference to your letter No. 2442, dated the 11th March 1948, on the subject mentioned above I return herewith, with His Excellency the Governor's assent signified thereon, the authentic copy of the Bombay Essential Commodities and Cattle (Control) (Amendment) Bill, 1948.

Your obedient servant,

Sd.-

Private Secretary
to the Governor of Bombay.

K.M.P.
23/5
4.C.

Bills.

A Bill to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946.

GOVERNMENT OF BOMBAY
Legal Department
Resolution No. 1463
Bombay Castle, 10th February 1948.

RESOLUTION. - The Bill with the Statment of Objects and Reasons should ne forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 10th February 1948, as Bill No. XIV of 1948.

2. The Bill and the Statment of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devanagari scripts) and the translations should be published in the Bombay Government Gazette, on the 16th February 1948.

3. The dates of the various publications should be reported to the Bombay Legislature Department.

By order of the Governor of Bombay
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S.L. Chaudhari,
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with the Bill and the Statment of Objects and Reasons and with a request that 230 gazette copies of the Bill and the Statement of Objects and Reasons may be forwarded to the Bombay Legislature Department for distribution to the members of the Bombay Legislative Assembly and 40 copies of for the use of the Legal Department and and 20 copies for the use of the Civil Supplies Department,

The Civil Supplies Department,
*The Oriental Translator to Government,
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat, Bombay.

) With a Copy of the Bill and the Statement of Objects and Reasons.

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* With five extra copies of the Bill

K.M.P.
23/5
4.C.

Acts.

Publication of the Bombay Essential Commodities and Cattle (Control) (Amendment) Act, 1948.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 2762
Bombay Castle, 19th March 1948.

Letter to the Private Secretary to the Governor No. 2442, dated the 11th March 1948.

Letter from the Private Secretary to the Governor, No. P.S.G.- 1294, dated the 15th March 1948.-

"With reference to your letter No.2442, dated the 11th March 1948, on the subject mentioned above I return herewith, with His Excellency the Governor's assent signified thereon, the authentic copy of the Bombay Essential Commodites and Cattle (Control) (Amendment) Bill, 1948."

RESOLUTION: - The law should be published as Bombay Act, No. VII of 1948, in the Bombay Government Gazette dated the 19th March 1948.

2. The Act should be translated into Marathi, Gujarati Kannada and Hindustani (in Urdu and Debnagari scripts) and the translations shluld be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Civil Supplies Department.

By order of the Governor of Bombay,

original

S.L. CHAUDHARI,
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay, (wit a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department),
The Civil Supplies Department,
*The Oriental Translator to Government,
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat, Bombay.
) WITH with a copy of the Act.

Issued
S.B. Palekar.
19/3

* With five extra copies of the Act.

K.N.P.
4.C.

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XIV OF 1948.

A Bill to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946;

Bom. XXII of 1946. WHEREAS it is expedient to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Bombay Essential Commodities and Cattle (Control) (Amendment) Act, 1948.

Amendment of sections 4 and 10 of Bom. XXII of 1946. Bom. XXII of 1946. 2. In the Bombay Essential Commodities and Cattle (Control) Act, 1946,—

(i) in clause (*j*) of sub-section (*2*) of section 4, after the word "committed" the words "and of any vehicle, vessel or animal which he has reason to believe has been, is being or is about to be used for carrying such articles," shall be inserted ; and

(ii) in sub-section (*2*) of section 10, after the word "contravened" the words "and any vehicle, vessel or animal which the Court is satisfied has been used with the knowledge of the person having the control thereof for carrying such property" shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

It has been found that motor vans, animals and vessels are being used for the import of commodities in contravention of control orders. The owners of these vehicles carry these commodities with full knowledge that the import is illegal. They however escape punishment.

The Bill proposes to acquire power to seize vehicles, vessels and animals carrying commodities in contravention of orders issued under the Bombay Essential Commodities and Cattle (Control) Act, 1946, and thereby provides a stronger deterrent against the smuggling of essential commodities across provincial or zonal borders.

(Signed) D. N. DESAI.

Dated 9th February 1948.

By order of the Governor of Bombay,

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

Bombay, dated 10th February 1948.

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Bom Act VII of 1948

L. A. BILL No. XIV OF 1948.

A Bill to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946.

As read for the third time and passed by the Legislative Assembly on the 21st February 1948.)

(As read for the third time and passed by the Legislative Council on the 3rd March 1948.)

Bom. XXII of 1946.

WHEREAS it is expedient to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Essential Commodities and Cattle (Control) (Amendment) Act, 1948.

Bom. XXII of 1946.

Amendment of sections 4 and 10 of Bom. XXII of 1946.

2. In the Bombay Essential Commodities and Cattle (Control) Act, 1946,—

(i) in clause (*j*) of sub-section (*2*) of section 4, after the word "committed" the words "and of any vehicle, vessel or animal which he has reason to believe has been, is being or is about to be used for carrying such articles," shall be inserted ; and

(ii) in sub-section (*2*) of section 10, after the word "contravened" the words "and any vehicle, vessel or animal which the Court is satisfied has been used with the knowledge of the person having the control thereof for carrying such property" shall be inserted.

No-1 Bk Hb 414

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XIV OF 1948.]

(As read for the third time and passed by the Legislative Assembly on the 21st February 1948.)

(As read for the third time and passed by the Legislative Council on the 3rd March 1948.)

A Bill to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946.

[Mr. D. N. Desai, M.L.A.,]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.